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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,960	02/16/2001	Yilin Zhao	CS90038	2853

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Motorola, Inc.
Intellectual Property Dept. (RKB)
600 North US Highway 45, AN475
Libertyville, IL 60048

EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,960

Applicant(s)

ZHAO ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 11-15 and 19-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 25-28 is/are allowed.
- 6) ☒ Claim(s) 16-18 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/25/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Eschenbach.

The claimed invention reads on Eschenbach as follows:

Regarding claim 29, Eschenbach discloses a method in a wireless communication network that communicates satellite positioning system navigation assistance messages to a satellite positioning system enabled mobile station in the wireless communication network (fig. 3a and 3b), the method comprising: providing satellite positioning system navigation information in an assistance message (paragraph 0049); and providing an issue identifier (issue of data almanac) (IODA) for the satellite positioning system navigation information (paragraph 0049 through 0051).

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Regarding claim 30, Eschenbach discloses using the issue identifier for determining whether to update satellite positioning system navigation information stored on a satellite positioning system enabled mobile enable mobile station (paragraph 0049 through 0051).

Regarding claim 31, Eschenbach discloses a method in a wireless communications network that generates assistance messages including satellite positioning system navigation information and a (identifier or issue of data almanac) (IODA) corresponding value tag for communication to a satellite positioning system enabled mobile station (paragraph 0049 through 0051), the method comprising: updating the value tag in the assistance message only when the satellite positioning system navigation data in the message has been updated (paragraph 0049 through 0051).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kingdom et al. in view of Chen et al..

Regarding claims 16 and 17, Kingdom et al. discloses a GPS ephemeris data issue identifier (identity of satellites, clock correction and differential correction) for transmission to a GPS enabled mobile station (MS) in a cellular communications network (paragraph 0023 line 1 through paragraph 0026 line 7). Kingdom et al. differs from claims 16 and 17 of the present invention in that it does not explicit disclose a first field with satellite identifier data; and a second field with an ephemeris sequence number, the first field is at least 5 bits, the second field is at least 3 bits. Chen et al. teaches a first field (sub-frame 42-5) with satellite identifier (ID) data (fig. 1a and col. 6 lines 41-40); a second field (sub-frame 42-1) with an ephemeris sequence number (fig. 1a numbers 40-1 through 40-18) and each frame consist of 1500 bits. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kingdom et al. ephemeris data issue identifier with a first field containing a satellite identifier data; a second field with an ephemeris sequence number, and the first field is at least 5 bits, the second field is at least 3

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bits in order to keep a record of ephemeris data corrections to be broadcast to multiple mobile station so that they could calculate their position, as taught by Chen et al..

Regarding claim 18, Kingdom et al. discloses a broadcast message (paragraph 0024 lines 1-7).

Allowable Subject Matter

5. Claims 1-10 and 25-28 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: Upon close review of the claims, the prior art of record and applicants remarks in the Amendment on page 10 line 19 through page 11 line 15, page 15 lines 6-21, page 19 line 9 through page 22 line 7 mailed June 3, 2004, it appears that the allowance of claims 1-10 and 25-28 is appropriate.

Response to Arguments

6. Applicant's arguments filed November 3, 2004 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

Regarding claims 16-18, applicants argument: Claims 16-18 are drawn to statutory subject matter. The claimed "'satellite positioning system ephemeris data issue identifier'" is

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transmitted as a signal to a cellular mobile station. The identifier includes a 'first field with satellite identifier data' and a 'second field with an ephemeris sequence number'. Examiner respectfully disagrees, claim 16 recites "a satellite positioning system ephemeris data issue identifier for transmission to a satellite positioning system enable mobile station in a cellular network", i.e. in its preamble. This is different from the applicants response above 'satellite positioning system ephemeris data issue identifier' is transmitted as a signal to a cellular mobile station". Also the preamble is not given examining weight when examining the claim as a whole. Claim 16 further recites "a first field with satellite identifier; and a second field with an ephemeris sequence number. A first field with satellite identifier; and a second field with an ephemeris sequence number is considered functional descriptive material. Claim 16, applicants arguments, "Kingdon and Chen is not a "...system ephemeris data issue identifier for transmission to a satellite positioning system enabled mobile station in a cellular network. Examiner respectfully disagrees, as stated before, the preamble is not given examining weight when examining the claim as a whole. Claim 16 further recites "a first field with satellite identifier; and a second field with an ephemeris sequence

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number. A first field with satellite identifier; and a second field with an ephemeris sequence number is considered functional descriptive material. Chen teaches a first field (sub-frame 42-5) with satellite identifier data (fig. 1a and col. 6 lines 41-40). Regarding claim 17, applicant argument " Kingdom and chen fail to disclose the ephemeris data identifier wherein.... the first field is at least 5 bits, the second field is at least 3 bits". Examiner respectfully disagrees, chen teaches each frame consist of 1500 bits, i.e. 3 bits and above to equal 1500 bits. Regarding claim 18, applicant argument " Kingdom and chen fail to disclose a broadcast message. Examiner respectfully disagree, because Kingdom et al. discloses a broadcast message (paragraph 0024 lines 1-7).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson 

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February 25, 2004